

# CITY OF LEON VALLEY



## **Home Rule Charter Commission Meeting** Leon Valley City Council Chambers 6400 El Verde Road, Leon Valley, Texas 78238 Wednesday, September 17, 2014

### **MINUTES**

The Home Rule Charter Commission of the City of Leon Valley, Texas met on the 17th day of September, 2014 at 6:00 p.m. in the Leon Valley City Council Chambers located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business:

#### **Call to order and announcement of a quorum.**

Chairman Arthur "Art" Reyna called the meeting to order at 6:03 p.m. and determined that a quorum was present.

The minutes reflect that the following Members of Home Rule Charter Commission were present: Chairman Arthur "Art" Reyna, Vice Chairman Jack Dean, Rudy Garcia, David Jordan, Liz Maloy, Darby Riley, Victor Rodriguez, Manuel Rubio, and Al Uvietta. Kathy Hill and Mike McCarley were not present and their absence was excused.

City Attorney Charles Zech, City Manager Manuel Longoria, Jr., Human Resources Director & Commission Staff Liaison Crystal Caldera, and Economic Development Director Claudia Mora were also present.

#### **Adopting the minutes of the September 3, 2014 Home Rule Charter Commission Meeting.**

Chairman Reyna asked the Commission if they had any changes to the minutes. Commission Member Liz Maloy made a request that the following verbiage be included: "A discussion ensued in regards to term limits, specifically three year terms". The minutes were approved with this change, unanimously.

#### **Discuss, consider and possible action on Article I and Article II.**

City Attorney Zech stated that he took all the suggested changes from the last meeting and inserted those changes into Articles I and II. He then reviewed Article I Form of Government and Powers, indicating the Commission agreed to a City Council/City Manager form of government. Commission Member Liz Maloy made the motion to accept Article I Form of Government and Powers as presented, specifically City Council/City Manager form of government. The motion was seconded by Commission Member Al Uvietta. All were in favor. The motion passed unanimously.

City Attorney Zech reviewed Article II Boundaries, specifically section 2.3. This section states, "Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes, two-thirds of [City Council/Council Member] may discontinue said territory as part of the City by Ordinance after conducting a public hearing on the matter." The question then became whether to use the term "City Council" which would include the Mayor, or "City Council Member" which would only include the City Council members, excluding the Mayor. A discussion ensued and Commission Member Victor Rodriguez made a motion for it to read as "City Council", which would include the Mayor. Commission Member Liz Maloy seconded the motion. The motion passed.

## **Discuss, consider and possible action on Mayor and council terms, size selection and qualifications.**

Chairman Arthur "Art" Reyna summarized the main items for discussion to include number of Council Members, length of term, term limits and compensation.

City Attorney Zech went over the following regarding length of term explaining that it really only affects how the Mayor and City Council are elected:

- Elected for two-year terms
  - You can do cumulative voting;
  - You can still appoint someone to a place if a vacancy occurs or have an election
- Elected for three-year terms or more
  - You have to be elected by majority vote
  - You cannot appoint someone to a place if a vacancy occurs. You have to hold an election, unless there is less than one year remaining on the term. The constitution allows for a City Charter to determine how to fill a vacancy if there is less than one year remaining on a term.

Some discussion transpired about the pros and cons of two-year terms verses three-year terms. Commission Member Liz Maloy pointed out, a two-year term may be too short. You spend your first year figuring everything out, and the next year you would become engulfed with campaigning. A lengthy discussion took place and the following were presented as options:

- Keep the City Council the same by having two-year terms, five Councilmembers and one Mayor. No term limits (staggered elections).
- Three-year terms. No term limits (staggered elections).
- Three three-year terms. Term limiting out on the third term (9 years) and having two City Council members come up for election every year.
- Three three-year terms; then stay out for a term (3 years), after which you can run again, continuing the same pattern. No term limits.
- Three three-year terms; then stay out for a term (3 years), after which you can run again for an additional three three-year terms; and then you are term limited out (18 years total).
- Non-consecutive three three-year terms; staying out a term (3 years) in-between; then term limiting out after your third term (9 years).
- Two three-year terms; staying out for one year and then you can run again, continuing the same pattern. No term limits.
- Five three-year terms then term limiting out (15 years).
- Four three-year terms then term limiting out (12 years).

City Attorney Zech added that the Commission would also have to decide how they will apply the terms. This could change the number of years someone is serving on City Council. For example, you can have the term limits apply by place or position. You could complete your terms as a City Council person and then run for Mayor with new term limits. The Commission agreed to revisit this item on the next agenda, and unanimously decided to move on to compensating elected officials.

Chairman Arthur "Art" Reyna clarified with City Attorney Zech that compensation did not include reimbursement for conferences, training session, or other city related activities, City Attorney Zech confirmed. Commission Member Al Uvietta recommended that the elected officials be given a nominal stipend. Commission Member Liz Maloy suggested that this be addressed as an amendment to the Charter at a later time. Commission Member Victor Rodriguez made a motion for Article III the City Council and Mayor Section 3.05 Compensation sub bullet A shall read as follows: "City Council shall **NOT** receive any compensation unless determined by vote as provided for herein. Compensation of City Council, and any subsequent increases, shall be determined and approved by City Council upon two-thirds vote of Council. No increase in such compensation shall take effect for any individual until such individual is reelected". The Motion was seconded by Vice Chair Jack Dean. City Attorney Zech suggested that the Commission wait until next meeting

to vote on this section, to enable him to provided better proposed verbiage, acknowledging the direction the committee wanted to take. The commission, with consensus, decided to wait until the next meeting to vote on the proposed language for this subsection.

Chairman Arthur "Art" Reyna raised the next subject, should the, Mayor be allowed to vote? There was some extended discussion, and some questions raised about the Mayors veto powers. City Attorney Zech clarified by stating it comes down to how much power you want your Mayor to have. Further, dialogue continued about increasing the number of Council Members if the Mayor had the right to vote. It was determined that everything will flow after a decision is made on whether the Mayor has a right to vote. Commission Member Manuel Rubio made a motion to allow the Mayor a right to vote. Commission Member Victor Rodriguez seconded the motion. In favor were Chairman Arthur "Art" Reyna, Vice Chairman Jack Dean, Rudy Garcia, Liz Maloy, Darby Riley, David Jordan, Manuel Rubio, Al Uvietta. One opposed was Victor Rodriguez. The motion passed.

All Commission members seemed to agree with the language under Article III Sections 3.07 and 3.08. Under Article III Sections 3.09 sub bullet B, the Commission agreed to add language that would not allow one member of City Council to wave the City Attorney Client Privilege.

The Commission agreed to cover the remaining agenda items; Mayor and council terms, size selection, qualification and elections until the next meeting. The Commission decided to hold the next meeting on October 8, 2014.

#### **Adjournment**

Chairman Arthur "Art" Reyna announced the meeting adjourned at 8:55 p.m.

**APPROVED:**

  
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**Arthur "Art" Reyna**  
**Chairperson**

**ATTESTED:**

  
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**Crystal Caldera**  
**Staff Liaison**